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Report of the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita Bocoum

Summary

This report follows two visits made by the Independent Expert and presents an overview of and major developments in the situation of human rights in the Central African Republic.

The Transitional Government has a number of significant achievements to its credit, including the organization of national consultations and the Bangui Forum, which resulted in the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction. The Bangui Forum also led to the signing of an agreement on the principles of disarmament, demobilization and reintegration and a further agreement under which the armed groups committed themselves to stop recruiting children and to release all child soldiers from their ranks.

The Transitional President also took an unprecedented step in the fight against impunity by promulgating a law establishing a Special Criminal Court competent to investigate the serious violations of human rights and international humanitarian law committed in the country since 1 January 2003, and to hear and rule in such cases.

The challenges faced by the Central African Republic include re-establishing State authority, security and administration throughout the country; restoring the rule of law and justice; reforming the security sector and implementing the disarmament, demobilization, repatriation and reintegration strategy; combating impunity; achieving reconciliation; strengthening peaceful coexistence and social cohesion; reviving the economy; combating poverty; and, finally, protecting and assisting displaced persons and refugees in their return and reintegration.

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It is in this context that the Independent Expert reports on the main allegations of human rights violations brought to her attention. These include violations of the right to life, acts of torture, inhuman and degrading treatment, arbitrary arrests, rape, racketeering and extortion, violations of the right to education, the right to health and the right to food. Intercommunal tensions in the country remain high and require the Government to take urgent measures to facilitate peaceful coexistence between the communities and prevent intercommunal violence leading to serious human rights violations.

Most of the human rights violations are committed by the armed groups that are operating more or less freely in certain areas of the country or result from shortcomings on the part of the State, which remains incapable of imposing its authority throughout the territory, preventing violations or ensuring the rule of law and the administration of justice.

Respect for the rights of the Muslim minority and the establishment of a culture of peaceful coexistence, two long-term aims of the people of the Central African Republic, must be reinforced and fostered by respect for human rights and for the principles and rules of democracy.

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Abbreviations

ECCAS	Economic Community of Central African States
EUFOR-RCA	European Union military operation in the Central African Republic
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
OHCHR	Office of the United Nations High Commissioner for Human Rights

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 27/28 of 3 October 2014 whereby the Council extended the mandate of the Independent Expert and asked her to submit a written report at its thirtieth session.

2. This report, which covers the period from May 2014 to the end of June 2015, is based on two visits to the Central African Republic, the first of which took place from 3 to 14 February 2015 and the second from 16 to 24 June 2015. It presents the conclusions of the Independent Expert and her recommendations to the Government of the Central African Republic and to the international community.

3. The Independent Expert would like to thank the authorities of the Central African Republic and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) for ensuring that her two visits took place under optimum conditions. During the missions, the Independent Expert took care to listen to all stakeholders in order to gather their views and opinions on the human rights situation and on the possible solutions to improve it. With this aim in mind, she also met with the country's most senior officials. The Independent Expert would like to express her gratitude to the Transitional Head of State, Ms. Samba-Panza, for engaging in open and fruitful discussion with her.

4. The Independent Expert also spoke with the Ministers of Foreign Affairs, Defence, Justice, Reconciliation, Social Affairs and Humanitarian Action, Territorial Administration and Tourism, as well as with senior representatives from the central and territorial administration, including the Prosecutor of Bangui.

5. She held extensive discussions with the leadership and other sections of MINUSCA, the Humanitarian Coordinator and specialized agencies of the United Nations, the force commanders of MINUSCA and Sangaris and representatives of the diplomatic corps, including the African Group of Ambassadors, representatives of the African Union and the mediator in the Central African Republic for the Economic Community of Central African States (ECCAS). She also met with representatives of the European Union, France, the Russian Federation and the United States of America.

6. In addition, she participated in talks with representatives of various civil society organizations and associations, human rights organizations, women's organizations and youth organizations. She also met with leaders of the Interfaith Peace Platform and other religious officials.

7. The Independent Expert spoke with representatives of political parties and with the key representatives of the former Séléka forces and anti-balaka groups.

8. In addition to Bangui, she visited Berbérati and Boali, in the west of the country, and Bambari and Bria in the eastern central region, as well as displaced persons' sites in Yaloké (north-west of Bangui) where she was accompanied by the Deputy Emergency Relief Coordinator, Ms. Kyung-wha Kang, and the Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani. She also visited the displaced persons' camp in M'poko, near to Bangui airport, and the PK5 Muslim enclave in Bangui.

9. The Independent Expert would particularly like to thank the Director of the Human Rights Division of MINUSCA and his staff for their support in organizing her visits.

10. The Independent Expert also participated in two interactive dialogues with the Human Rights Council on the human rights situation in the Central African Republic at its twenty-eighth and twenty-ninth sessions. During the interactive dialogue of 30

June 2015, the chosen format allowed more in-depth discussion on the efforts being made to combat impunity in the Central African Republic, with the participation of the Deputy Special Representative of the Secretary-General and Deputy Head of MINUSCA, the Ministers of Justice and National Reconciliation of the Central African Republic, and Imam Kobine Layama, representing the Central African Republic Interfaith Peace Platform.[1]

II. General situation

A. Political context

11. The political transition that began on 18 August 2013 for an initial period of 18 months was extended on 22 December 2014 for an additional 6 months by Mr. Denis Sassou Nguesso, the mediator in the Central African Republic for the ECCAS and President of the Republic of the Congo. The current political transition provides for a constitutional referendum and presidential and legislative elections, which should mark the end of the transition and a return to constitutional order by the end of 2015.

12. On 23 January 2015, in her speech marking the first anniversary of the transition, President Samba-Panza noted that the Central African Republic was recovering slowly but surely thanks to the joint efforts of the Central African people and the international community. She stressed that security was gaining ground with the support of the international forces and that State authority was gradually being restored through the deployment of civil servants in the interior of the country.

13. The agreement on the cessation of hostilities in the Central African Republic signed on 23 July 2014 provided for, inter alia, the holding of a national forum that would pave the way for the restoration of peace and national reconciliation and the holding of free, democratic and transparent elections to enable a return to a constitutional system. The forum was to be preceded by local consultations so as to restore the relationship between the State and its citizens and to lay the foundations for a process of political dialogue.

14. These local consultations were held in January and February 2015, and the following four areas of focus were defined: (a) dialogue, truth, justice, reparation and reconciliation; (b) peace and security, disarmament, demobilization and reintegration, security sector reform and child soldiers; (c) governance and elections; and (d) economic development and assistance for victims. A total of 28 facilitation teams of 10 to 15 persons each were deployed throughout the country and in other countries hosting large numbers of refugees or residents from the Central African Republic (namely Chad, Cameroon, the Democratic Republic of the Congo, the Congo and France) in order to hear and record citizens' main concerns and expectations. About 20,000 persons were consulted, 4,370 of whom were women. In areas controlled by former Séléka fighters, armed members of that faction threatened the government delegations and facilitation teams, thereby disrupting and delaying the consultations. However, thanks to the intervention of MINUSCA, Sangaris and the European Union military operation in the Central African Republic (EUTOR RCA), consultations were successfully held in all provinces.

15. The Bangui National Forum on National Reconciliation was held from 4 to 11 May 2015. The overall objective was to provide an opportunity for nationals of the Central African Republic to reflect on the root causes of the crisis and propose ways

[1] For more information, see http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16174&LangID=E.

of addressing them. The idea was to establish a new social contract for the Central African Republic.

16. The Bangui Forum adopted the Republican Pact for Peace, National Reconciliation and Reconstruction, which reaffirms, inter alia, the need to create conditions conducive to holding a constitutional referendum and free and transparent general elections throughout the country as soon as possible, and calls for the effective establishment of the Special Criminal Court.

17. With regard to human rights and justice, the Republican Pact affirms the need to strengthen and respect the constitutional provisions on the protection of human rights and fundamental freedoms, without discrimination on the grounds of age, sex, ethnicity or religion, and to guarantee freedom of movement throughout the country. It calls for the establishment of a national human rights institution and a transitional justice mechanism, including a truth, justice, reparation and reconciliation commission.

18. The Bangui Forum also led to the signing of an agreement on the principles of disarmament, demobilization and reintegration and a further agreement under which the armed groups committed themselves to stop recruiting children and to release all child soldiers associated with their groups.

19. In a press release issued on 13 May 2015, the Independent Expert welcomed the adoption of the Republican Pact and urged all stakeholders to fulfil their commitments in order to pave the way for reconciliation and the restoration of lasting peace.

20. The constitutional review process is also under way, and a preliminary draft was adopted by the Transitional National Council on 17 February 2015. The Republican Pact includes a number of important recommendations concerning the Constitution, which should be taken into account by the Government and the Transitional National Council. The new Constitution is expected to be adopted by referendum on 4 October 2015.

21. On 22 April 2015, the Transitional National Council adopted the law on the establishment of the Special Criminal Court, which was then promulgated on 3 June. Pursuant to this law, the Court has the power to investigate any serious violations of human rights and international humanitarian law committed in the country since 1 January 2003 and to hear and rule in such cases.

22. In June, the Government announced a new electoral calendar, according to which the first round of presidential and parliamentary elections is to be held on 18 October 2015 and the second on 22 November. In preparation for the elections, voter registration will take place from 27 June to 27 July.

B. Security context

23. The overall security situation has improved since the arrival of the MINUSCA, Sangaris and EUTOR RCA forces. With regard to MINUSCA, the Security Council, in its resolution 2217 (2015), authorized the deployment of 12,870 uniformed personnel, including 2,120 police officers. Their deployment, initially in Bangui and then progressively throughout the rest of the country, was followed by the deployment of State civil servants, though on a small scale.

24. In Bangui, anti-balaka militias continued to threaten residents' safety on a regular basis. The arrest by MINUSCA of one of their leaders, Rodrigue Gaïbona (also known as Andilo), on 17 January 2015 was followed by several hostage-taking incidents in Bangui. A French humanitarian worker was kidnapped on 19 January and subsequently released on 23 January; a MINUSCA employee was briefly abducted on

20 January, and the Minister of Youth and Sports, Armel Sayo, was kidnapped on 25 January and released on 10 February.

25. About 2,000 former Séléka combatants and their families remain billeted in three military camps in Bangui, known as the Régiment de défense opérationnelle du territoire (Regiment for the operational defence of the country) (RDOT), Béal and Bataillon du soutien et des services (Support and services battalion) (BSS) camps, and they have at their disposal a large supply of war material and ammunition. However, an agreement to clear the Béal camp of its stockpile of explosives and ammunition was signed with the armed groups at the end of May.

26. Security has gradually returned to the rest of the country, thanks to increased patrolling by MINUSCA. However, there was still a very real presence of armed groups throughout the year, with anti-balaka groups controlling the western part of the country and former Séléka combatants controlling the northern and eastern areas. The country is also still under threat of action by members of other armed groups, such as the Lord's Resistance Army in the west or Révolution et Justice and the Front Démocratique du Peuple Centrafricain in the east. The Secretary-General of the United Nations has also warned about the unconfirmed presence near the border with Cameroon of members of Boko Haram who may be seeking to expand their terrorist activities into the Central African Republic.

27. Given the virtual absence of State authority in the interior of the country, armed groups continue to tax citizens illegally and profit from illegal mining activities. With support from MINUSCA, the Government has begun stationing civil servants in posts throughout the country, although only 8 out of 16 prefects have been posted thus far. The Independent Expert also noted that the judiciary and the police and gendarmerie forces still have only a limited presence or none at all in many areas, particularly in the east of the country.

28. While the outline and strategy of the disarmament, demobilization and reintegration programme were drawn up at the Bangui Forum, as at the end of June, the Government and MINUSCA were still awaiting funds for its implementation.

29. Since the Bangui Forum, there have been several security incidents involving members of armed groups, notably one in early June in which two peacekeepers were injured in an ambush reportedly carried out by the anti-balaka. These incidents highlight the lack of cohesion within the armed groups, as rogue elements continue to commit acts that violate the agreements signed by their leaders.

C. Economic context

30. The Central African Republic is one of the poorest countries in the world, with a ranking of 185 out of 187 on the Human Development Index.[2] The country has historically lacked infrastructure — a situation that results in the geographic and spatial exclusion of its people and exacerbates rural poverty.[3] In 2014, the country experienced a modest economic recovery, which is expected to continue in 2015 and 2016 thanks to the improved security situation and the holding of credible presidential and legislative elections.

31. In peacetime, the four generators of wealth are diamonds, timber, cotton and livestock. Processing industries, which were just beginning to develop before the crisis, were negatively affected but have subsequently experienced a partial recovery.

[2] United Nations Development Programme (UNDP), 2014 (see http://hdr.undp.org/en/data).

[3] The road network covers a total distance of 24,000 km, of which only 700 km are paved.

Rampant corruption is severely hindering the development of the timber and diamond industries.

32. The power wielded by armed groups poses a real obstacle to the resumption of agropastoral activities and is seriously disrupting the trade in livestock and the supply of beef. Livestock farmers are also victims of assault and extortion in some regions.[4]

33. The country's public finances are in a state of almost complete chaos, and revenue is drying up. The Government has clearly established economic recovery as a priority, with a view to promoting wealth creation and improving people's living conditions. It has taken steps to improve the social climate by ensuring that salaries and pensions are paid on a more or less regular basis in 2015.

34. The Republican Pact calls on the Government to introduce a comprehensive strategy for reconstruction and economic development that takes the most disadvantaged regions of the country into consideration, as well as a legitimate employment policy, particularly for young people, women and vulnerable population groups. Such measures will be essential as a means of providing an alternative for young people and enabling them to reintegrate into their communities. Juvenile offenders who have been handed light sentences and those who have served their sentences should also benefit from reintegration measures.

35. The decision, taken at the meeting of members of the Kimberley Process on 26 June 2015, to allow the authorities to once again export diamonds mined in the west of the country should generate new tax revenues, which are sorely needed. Measures must be taken to ensure that the country's mineral resources are soundly managed, so that henceforth the funds created by those resources will feed the State coffers rather than trafficking and corruption.

36. The international community has come to the aid of the Central African Republic since the start of the crisis, but the assistance given is not sufficient to provide effective relief.

III. Human rights situation

A. Protection of civilians: violations committed by armed groups

37. Despite the agreement on the cessation of hostilities signed on 23 July 2014, armed groups, particularly the anti-balaka and former Séléka fighters, continue to operate relatively freely throughout much of the country and commit atrocities against civilian populations. The main allegations of human rights violations brought to the attention of the Independent Expert include violations of the right to life, acts of torture, inhuman and degrading treatment, arbitrary arrest, rape, racketeering and extortion, and violations of the right to education, the right to health and the right to food. Taking advantage of the limited presence of the State, armed groups exert de facto authority and plunder the country's natural resources.

38. The conflict has exacerbated intercommunal violence. The anti-balaka and/or the former Séléka fighters continue to intimidate, threaten and attack individuals and local communities because of their alleged collaboration or affiliation with the rival armed group. These abuses have intensified during the migration of the Fulani herders and in the context of conflicts over access to land and water resources.

[4] Food and Agriculture Organization of the United Nations, "Enquête sur la transhumance apres la crise de 2013-2014 en Republique centrafricaine", p. 6. http://foodsecuritycluster.net/sites/default/files/FAO_Rapport_Transhumance_fev2015_final.pdf

39. The most serious incidents took place in Bangui from 7 to 16 October 2014 and were largely attributed to anti-balaka fighters. The clashes began on 7 October with the murder of a man suspected of being a former Séléka fighter; he was killed by an angry mob that claimed he had thrown a grenade into a crowded market area. The incident degenerated into a series of attacks and counter-attacks, in which 11 civilians were killed and another 229 injured, including members of both the Christian and the Muslim communities. The clashes also led to the displacement of more than 7,100 civilians in the greater Bangui area and the looting and burning of at least 30 homes and many shops. Humanitarian workers and their equipment were also the targets of attacks and looting. A MINUSCA convoy was ambushed on 9 October, with two soldiers killed and seven others injured.

40. In the territory under their control, the former Séléka fighters have occupied administrative buildings and exert de facto authority. Internal power struggles and a lack of cohesion and discipline have led to new clashes among factions, which have severely affected the civilian population.

41. In Bria, for example, the security situation deteriorated considerably in October as a result of heightened tensions among the various factions of former Séléka fighters. In January 2015, Bria fell under the control of former Séléka fighters belonging to the Front populaire pour la renaissance de la Centrafrique, who refused to allow the presence of any representatives of the Bangui Government or the holding of local elections in areas under their control. On 10 February, MINUSCA and Sangaris forces launched a joint operation to drive these armed groups out of all government buildings in Bria. Six former Séléka fighters were killed in the operation, several were injured and another 16 were arrested.

42. Attacks by armed groups continued in early 2015, causing many civilian casualties. On 5 and 6 January, seven civilians, including a 6-month-old baby and a 13-year-old child, were shot and killed near Ngakobo by former Séléka fighters of the Union pour la paix en Centrafrique. On 27 January, 14 civilians were killed in an attack by former Séléka fighters belonging to the Front populaire pour la renaissance de la Centrafrique near Kaga Bandoro in Nana-Grébizi prefecture. On 14 February, in the PK5 area of Bangui, four civilians suffered serious injuries when they were attacked by a former Séléka fighter, apparently in retaliation for the killing of a young Muslim man.

43. The Independent Expert was also informed of several cases in which former Séléka fighters had subjected civilians to ill-treatment and accused them of being spies working for the anti-balaka or the international forces. For example, on 11 March 2015, two men accused of having ties with the anti-balaka were illegally detained and subjected to cruel and inhuman treatment by former Séléka fighters of the Union pour la paix en Centrafrique.

44. Some Fulani groups have also allegedly committed human rights violations with support from groups of former Séléka fighters. For example, in the second week of October, armed Fulani carried out an attack on the village of Batobadja in Ouaka prefecture, killing 11 civilians. From 12 to 14 November 2014, also in Ouaka prefecture, an unknown number of armed Fulani attacked the village of Pende and killed seven people, including four children. Another attack by armed Fulani carried out on 1 December in the town of Zémio, Upper Mbomou prefecture, left 3 people dead and 2 injured, while some 40 houses were burned down and 2 shops were looted. On 3 December in Bambari, armed Fulani with ties to the Union pour la paix en Centrafrique attacked and killed 13 people and injured at least 33 civilians in retaliation for the death of one of their members. During the attack, some 33 houses were burned and looted.

45. The Independent Expert has received reports of fighting that took place in late April and early May 2015 between the anti-balaka and the Union pour la paix en Centrafrique former Séléka faction over control of Kouango sub-prefecture, as a result of which many villages were destroyed and more than 32 people were killed. MINUSCA has confirmed that 36 villages have been abandoned, 27 of them completely or partially burned, and it has established a base in the prefecture to effectively protect the population and prevent attacks and reprisals.

46. The Independent Expert has also received reports of several incidents involving security forces, including cases of ill-treatment in places of pretrial detention or during the arrest of suspected criminals. These reports include, in particular, allegations against the Centre to Combat Crime. She has also been informed of cases in which national security forces were reportedly reluctant to take action against human rights violators, particularly when the latter were anti-balaka.

B. Minority rights

47. Before the conflict, the Muslim minority represented about 15 per cent of the population,[1] but most of the various Muslim communities in the west of the country have either left or become isolated in enclaves.[2] In response to systematic attacks by anti-balaka groups on civilians identified as receiving or having received support from the Séléka forces, or from the Fulani, or from Muslims in general, they gathered together and were then forced to leave.

48. Religious buildings and schools have been systematically attacked. All mosques between Bangui and Boali have been attacked and totally or partially destroyed, including most of the mosques in Bossangoa, Bossembélé and Bouar. Most of the mosques still standing are serving as shelters for civilians under attack; this includes the central mosques in Boda, Bangui, Berbérati and PK12.[3] Of the 23 mosques in Bangui, only 4 have escaped attack and destruction.

49. A year after the signing of the agreement on the cessation of hostilities, the situation remains worrying, and the Independent Expert has observed only very limited trade and return to peaceful coexistence between the religious communities. In Bangui, Muslims living in the PK5 area cannot venture beyond their neighbourhood, and most have not been able to find new jobs or any way of attending university or school. Other citizens who have taken refuge in the PK5 area are unable to return to their neighbourhoods of origin. In Berbérati, Muslims and Christians live on opposite sides of the river, and the bridge is crossed only by the staff of the United Nations and non-governmental organizations (NGOs). In Boda, Muslim and Christian residents no longer mix with each other at all.

50. The issue of the rights of Muslim minorities was discussed during the Bangui Forum, and the Independent Expert took note of the decision to officially celebrate Muslim holidays in the Central African Republic. This decision was welcomed by the Muslim community as a new framework for social cohesion. At the time of the writing of this report, however, no formal decision to that effect had yet been promulgated or adopted. Protecting the Muslim minority's identity is crucial for peace and social cohesion.

[1] www.cia.gov/library/publications/the-world-factbook/geos/ct.html

[2] The seven enclaves are Yaloke, Carnot, Berberati, Bouar, Boda, Dekoa and the PK5 area in Bangui.

[3] The International Federation for Human Rights and the Ligue centrafricaine des droits de l'homme, "Central African Republic: They Must All Leave or Die" Investigative report, June 2014, p. 47 (www.fidh.org/IMG/pdf/rapport_rca_2014-fr-ld.pdf).

C. Refugees and internally displaced persons

51. Some 900,000 people have been displaced by the violence since the crisis in the Central African Republic began in December 2013. They have sought refuge in Cameroon, Chad, the Congo and the Democratic Republic of the Congo. About 460,000 people are still today living as refugees in neighbouring countries (of whom about 220,000 have become refugees since December 2013), and some 436,000 persons have been internally displaced. Humanitarian organizations estimate that more than half of the population, that is, 2.7 million people, require emergency humanitarian aid.[8]

52. The issue of internally displaced persons in the Yaloké enclave has come to the notice of the Independent Expert, who visited the area during her mission in February 2015. She found this enclave particularly worrying because of the very harsh living conditions there. In addition, between April and December 2014, about 40 members of the Fulani community who had taken refuge there died of disease and malnutrition. During her visit to Yaloké,[9] the Independent Expert noted that internally displaced persons had received increased attention and support in recent weeks and that their living conditions had improved. However, in the face of the authorities' reluctance to allow the Fulani to leave, the Independent Expert emphasized that the rights of internally displaced persons, including their right to freedom of movement, must be fully respected.

53. The Independent Expert stressed to all the persons she met with, including the highest State authorities, that, under international law, internally displaced persons were entitled to the same rights and freedoms as the rest of the population. The legal principles governing internally displaced persons — notably the freedom to leave or stay, the freedom of residence and the right of return — should apply at all times.

54. Following the joint visit, the Government relaxed its position and, as a first step, allowed the departure of some internally displaced persons on the ground of family reunification. Between 31 March and 4 April 2015, about 130 internally displaced Fulani left the Yaloké enclave on commercial trucks headed for Cameroon. The Office of the United Nations High Commissioner for Refugees (UNHCR) and MINUSCA helped to reunite 20 refugee families in Cameroon. As at mid-April, an estimated 330 displaced Fulani were still living in the Yaloké enclave.

55. The Central African Republic also plays host to Congolese refugees from the north-eastern part of the Democratic Republic of the Congo who have fled the violence perpetrated by the Lord's Resistance Army. There are about 3,400 Congolese refugees living in the Zemio refugee camp. Since the arrest of a senior Lord's Resistance Army commander in January 2015, the rebels belonging to that movement have intensified their attacks on the villages near the border with the Democratic Republic of the Congo. According to an NGO report, the Lord's Resistance Army carried out some 25 kidnappings in February 2015 in villages near Zemio.[10]

D. Violence connected with accusations of witchcraft

56. The Independent Expert continues to receive credible reports of numerous cases in which persons accused of witchcraft have been detained, tortured or killed by

[8] www.unocha.org/car.

[9] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15572&LangID=E.

[10] More than 180,000 people remain displaced in areas affected by the Lord's Resistance Army in the Central African Republic and the Democratic Republic of the Congo, and more than 30,000 people have fled the violence to neighbouring countries (www.unhcr.org/551551499.html).

individuals or members of armed groups, particularly in the west of the country. These accusations of witchcraft are usually brought against members of the most vulnerable population groups, including women, the elderly, children and persons with disabilities. Persons with albinism are not immune either.

57. Persons suspected of witchcraft have also reportedly been victims of acts of mob justice, which are often carried out by anti-balaka militias with the complicity of the local authorities. The situation of conflict, instability and intercommunal hostility and the absence of State authority encourage the emergence of such practices.

58. During her visit in February 2015, the Independent Expert received damning information about cases of persons accused of witchcraft, particularly elderly persons and children, and especially in Bouar, being tortured and murdered. They have included individuals being horrifically burned and allegedly being buried alive. The Bouar police and gendarmerie said that they were powerless against the armed anti-balaka fighters.

59. The Independent Expert also noted that a number of women have been imprisoned because they have been accused of witchcraft, often without evidence. This was particularly the case in the Berbérati prison, where a woman who had been detained on the basis of allegations of witchcraft was finally released following the Independent Expert's visit and follow-up monitoring by the Human Rights Division of MINUSCA.

60. Under the pretence of witchcraft accusations, such practices are perpetrated by armed individuals seeking to extort money from villagers. This is unacceptable and constitutes a violation of national and international law, and the Independent Expert has alerted the authorities to these practices. She has asked that they arrest those responsible without further delay, publicly condemn these heinous crimes, and launch an awareness-raising campaign to deter such acts. Although a few perpetrators of such violence have been arrested, the Independent Expert noted that the Central African authorities have thus far not responded appropriately and effectively to put an end to mob justice.

61. Articles 149 and 150 of chapter XI of the country's Criminal Code of 6 January 2010 criminalize such practices and establish penalties ranging from fines to life imprisonment in cases where such acts result in death. When the Expert discussed this matter with the authorities, the response provided was that witchcraft had been criminalized in order to protect persons accused of witchcraft from mob justice and to enable them to have a fair trial.

62. This argument is valid only if the State institutions, security forces and, in particular, the judiciary function properly and implement the law. The security forces should severely punish any armed militias that misuse the law to justify taking the place of the courts and dispensing justice themselves.

63. MINUSCA has established a working group on charlatanism and witchcraft that brings together United Nations bodies, NGOs and government officials to begin reflecting on the root causes of violence connected with witchcraft and on ways of addressing them. The actions considered include conducting awareness-raising campaigns, training local and international stakeholders, reviewing and amending existing legal instruments, and identifying and arresting the perpetrators of related offences.

E. Women and children

64. In his report of 23 March 2015 on conflict-related sexual violence (S/2015/203), the Secretary-General stated that, in 2014, a total of 2,527 cases of conflict-related sexual violence had been reported in the Central African Republic. This violence included rape perpetrated to terrorize civilians, with many victims being assaulted in their homes or while sheltering in fields or in the bush. According to the report, the alleged perpetrators are associated with armed herders from Fulani Mbarara communities or members of the former Séléka anti-balaka, Révolution et justice or Front démocratique du peuple centrafricain armed groups (para. 14).

65. The report notes that the number of cases of sexual violence seems to have declined since the end of open hostilities, especially in response to the presence of international troops, namely the MINUSCA, Sangaris and EUTOR forces. However, such violence still persists in the most remote parts of the country, such as mining and border areas. Moreover, the absence of State services, such as health-care and social services, means that victims do not have access to proper care, including post-exposure prophylaxis to prevent the transmission of HIV (para. 15).

66. The Independent Expert encourages the transitional Government to adopt, without delay, the decree on establishing a joint rapid response unit to combat sexual violence.

67. The Independent Expert is also alarmed by reports of Fulani civilians — mostly women and girls — being kept as slaves, and in some cases as sex slaves, by anti-balaka fighters. Some 40 Fulani were reportedly held hostage for about 14 months.[11] In April 2015, MINUSCA intervened and freed about 30 of the hostages. The Expert urges the anti-balaka to release all the remaining hostages and urges the authorities to bring those responsible to justice.

68. Even before the crisis, the Central African Republic had the third highest maternal mortality rate in the world. One in three women never sees a health-care provider during her pregnancy, and one in two gives birth without any qualified birth attendants. Though there are no recent statistics available, organizations believe that the situation has worsened since the start of the crisis.

69. Regarding the situation of children, the humanitarian community estimates that more than 32,000 children in the Central African Republic will suffer from severe malnutrition and 78,000 from moderate malnutrition in 2015.

70. The demobilization of child soldiers, which had already begun in 2014, saw significant progress in May 2015 following the Bangui Forum and the agreement signed by 10 armed groups on laying down their arms, renouncing armed struggle as a means of imposing political demands, and releasing the children among their ranks. In 2014, a total of 2,807 children were removed from armed groups in the Central African Republic, including 2,374 from anti-balaka groups and 460 from the former Séléka factions. On 14 May 2015, 357 children were released in Bambari by anti-balaka militia and former Séléka fighters. The United Nations Children's Fund (UNICEF) and its partners have established family reunification programmes, psychological counselling and community reintegration programmes.

71. Save the Children recently published a study[12] showing that nearly two thirds of school-age children suffer from post-traumatic stress disorder as a result of the

[11] www.hrw.org/news/2015/04/22/central-african-republic-muslims-held-captive-raped.

[12] Save the Children, *Évaluation des besoins psychologiques des enfants d'âge scolaire dans les localités de Bangui et de la Ouaka, République centrafricaine, mars 2015* (Psychological needs assessment of school-age children in the towns of Bangui and Ouaka, Central African Republic).

violence they witnessed or experienced during the two years of conflict. The study reports that more than 60 per cent of children in the Central African Republic have witnessed or have been subjected to acts of extreme violence since March 2013.

72. This situation is cause for serious concern about the country's future. There is an urgent need to invest in the strategy for lasting peace and reconciliation in order to enable these children to rebuild their lives in peace.

F. Economic and social rights

73. The rights to education, health and food remain a major concern in the Central African Republic. Available information indicates that 693 schools were affected during the conflict, and 351 public schools across the country were looted or occupied by armed groups or civilians, damaged by various types of explosives or directly attacked. A further 342 private schools have also been affected in a similar manner. Numerous schools remain closed and many pupils have not yet returned to their studies.

74. Already fragile before the crisis, the health-care system has been shattered. In some regions, more than 75 per cent of health-care centres are unable to provide the most basic services, such as nutritional support, prenatal check-ups or treatment against infections. Most health-care centres are short of medicines as a result of looting by armed groups. Statistics for the Central African Republic indicate an average life expectancy of 49.5 years in 2013. In response to the crisis, the Government has undertaken to implement a policy of free health-care services with the support of partners such as the World Health Organization.

75. The Independent Expert was alerted to the situation of persons with disabilities, in particular the fact that they were often left behind during the conflict, given their greater difficulties in travelling. When they could not reach sites for internally displaced persons, they were often left without food, housing or appropriate medical support. Human Rights Watch[11] found that at least 96 persons with disabilities had been abandoned or were unable to escape and 11 had been killed in Bangui, Boali, Yaloké and Bossemptélé. The figure is likely an underestimate. Without mobility assistance, many persons with disabilities are forced to move around by crawling and thus are at risk of life-threatening infections.

G. Violations committed by international forces

76. Several allegations of serious human rights violations committed by international and MINUSCA forces have been reported in recent months. Following revelations by the international press concerning allegations of sexual abuse of children by French soldiers of the Sangaris force in Bangui, MINUSCA disclosed other cases of inappropriate use of force and sexual abuse by some of its elements.

77. France announced in a statement at the highest level that it had opened a judicial inquiry to shed light on the allegations concerning 14 French soldiers suspected of sexually abusing children between December 2013 and May-June 2014. The Independent Expert hopes that the results of the inquiry will be made known soon. She has stressed the importance of taking all measures necessary to protect children against violence and abuse, especially those who are vulnerable, as in the M'poko camp for internally displaced persons, for example, which she has visited. When

March 2015).

[11] Human Rights Watch, "Central African Republic: People With Disabilities Left Behind", April 2015 (www.hrw.org/news/2015/04/28/central-african-republic-people-disabilities-left-behind).

violations are reported, the authorities must protect victims against further harm, prosecute the alleged perpetrators and provide reparations.

78. On 4 June, MINUSCA issued a statement according to which a member of its forces deployed in the east of the country had been implicated in allegations of exploiting and sexually abusing a young girl. The statement reports that MINUSCA took immediate measures to protect the victim and provide appropriate care. The statement also indicates that the United Nations requested that the Government of the troop-contributing country concerned open an investigation as soon as possible.

79. On 5 June, the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a statement [14] regretting the lack of progress in the investigation of allegations of enforced disappearance, torture and extrajudicial killings of at least 11 people, including 5 women and 1 child, concerning the contingent of the Congo of the African-led International Support Mission to the Central African Republic (MISCA) [15] in Boali, a small town about 80 kilometres north of Bangui. OHCHR asked the competent authorities, including the African Union and the Governments of the Central African Republic and the Republic of the Congo, to carry out without further delay an impartial, effective and transparent investigation in order to clarify the fate of the persons concerned, bring those responsible to justice and provide reparation to the victims.

80. On 10 June 2015, MINUSCA issued a statement concerning the excessive use of force by peacekeepers deployed in the west of the country. According to the statement, United Nations soldiers allegedly beat four individuals suspected of criminal activities and arrested them at the request of local authorities, resulting in the death of two of the individuals and severe injuries to a third.

81. The Independent Expert welcomes the establishment by the Secretary-General of the United Nations of a panel of experts to conduct an independent external review to determine how the United Nations system followed up on those allegations. She is still concerned about the lack of diligence shown by the authorities involved in following up on these serious allegations of human rights violations, which are absolutely prejudicial to the protection of vulnerable persons, and calls for faster action to prevent abuses and, in cases where violations have been committed, hold the perpetrators responsible and ensure that the victims are protected.

IV. Combating impunity

82. Significant strides were made in late 2014 and early 2015 in the fight against impunity, with the arrest of three important leaders of rebel groups. With the arrest and transfer of Baba Ladé to Chad in December 2014, Dominic Ongwen to the International Criminal Court in January 2015 and Rodrigue Gaïbona, also known as Andilo, who was detained on 17 January 2015, the transitional authorities have sent strong signals of their willingness to combat impunity.

83. However, many challenges remain, particularly relating to the insufficient staffing and resources of the police and gendarmerie, criminal police and the judiciary, and the inadequate number of prisons. In addition, victims are reluctant to file complaints with the police in situations where complainants are not of the same religious or ethnic group as the law enforcement personnel.

[14] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16043&LangID=E.

[15] MISCA was deployed in December 2013 in conjunction with Operation Sangaris. On 15 September 2014, at the end of the mandate of MISCA, the mandate of the Force was transferred to the United Nations under the name MINUSCA.

84. As a temporary emergency measure, MINUSCA has supported the authorities in apprehending nearly 383 people since the beginning of its mandate in September 2014. Most are still in investigative detention pending trial. The Independent Expert was also informed that criminal hearings had resumed on 29 June 2015, after more than five years without any trials taking place. Nearly 60 cases will be heard by the Court.

85. Justice and the fight against impunity were at the heart of the demands made during the popular consultations and the Bangui Forum. The Republican Pact called for the introduction of a constitutional clause prohibiting any possibility of amnesty for crimes against humanity, war crimes and crimes of genocide committed in the country. It also stressed the importance of effectively establishing the Special Criminal Court, with the assistance of the international community, as well as ensuring technical and operational capacity-building of the local courts and setting up mechanisms for the protection of judges, witnesses and victims.

A. Special Criminal Court

86. Following the signing of a memorandum of intent by the transitional authorities and MINUSCA in August 2014, progress was made on the authorities' initiative to create a special criminal court within the national judicial system. A bill was approved by the Council of Ministers and submitted to the National Transitional Council on 6 February 2015.

87. The United Nations and other partners provided the authorities with technical support for the development of the bill. This resulted in substantial improvements, including the abolition of the death penalty as the maximum punishment and the provision that international judges should form the majority at the appeals level.

88. On 22 April 2015, the National Transitional Council adopted the Act creating the Special Criminal Court, which was promulgated on 3 June by the transitional President. The Court is composed of 21 judges: 10 international and 11 national. The Special Prosecutor is an international judge, who is assisted by a national Deputy Prosecutor. The national and international members of the Court shall be persons of high moral character who exhibit impartiality and integrity and possess the qualifications required in their respective countries for appointment to the highest judicial offices. International members are nominated by MINUSCA and appointed by the authority assuming the duties of Chair of the Supreme Council of Justice.

89. The Special Criminal Court is competent to investigate serious violations of human rights and international humanitarian law committed in the territory of the Central African Republic since 1 January 2003, and to hear and rule in such cases, including in respect of the crime of genocide, crimes against humanity and war crimes. Its jurisdiction is complementary to that of the International Criminal Court, which has been investigating the situation in the Central African Republic since May 2014. The lifespan of the Special Criminal Court is five years, renewable if necessary (art. 70).

90. The Independent Expert welcomed the adoption of the Act, which is a decisive step in the fight against impunity. In particular, she is pleased to note that it sets out in its article 56 that it applies to everyone equally, without any distinction based on official capacity. This implies that it does not recognize immunity for representatives of the State.

91. It is crucial that the Special Criminal Court be set up quickly so that it can begin investigations. The Court can be established only with the financial support of the international community. It is also important that the international community

continue to support the ordinary criminal justice system, as the courts of the Central African Republic must be capable of trying persons accused of offences that do not meet the definition of crimes covered by the Special Criminal Court. Ensuring the safety of victims and witnesses as well as that of judges and national and foreign investigators will be essential to the Court's success.

B. Reconciliation and other transitional justice mechanisms

92. In November 2014, the Government developed a comprehensive strategy for national reconciliation. The goal of this strategy is to develop an extensive local, regional and national network of mediators and peace facilitators responsible for promoting and strengthening social, cultural, interfaith and intercommunity mediation activities, so as to reduce violence in all its forms, ease tensions between communities and initiate a participatory and inclusive dialogue for national reconciliation and a lasting peace. The Independent Expert welcomes this initiative and encourages its rapid implementation throughout the territory. She also notes the important role of the Interfaith Peace Platform in the prevention of violence and welcomes the courage of those religious leaders who continue to take in displaced persons at churches and mosques in order to protect them.

93. The Republican Pact also calls for the establishment of a transitional justice mechanism and specifically for the establishment of a justice, truth, reparation and reconciliation commission, with branches at the local level, which will be responsible for identifying and investigating crimes and abuses committed in the country and recommending that perpetrators be brought to justice or that the victims receive reparations.

94. The Independent Expert welcomes the willingness of nationals of the Central African Republic to engage in a process of seeking the truth about the human rights violations committed in the past and analysing their causes and consequences. Each truth commission is a unique institution, but the activities of such commissions generally comprise the collection of testimonies of victims and witnesses, as well as thematic research, including analysis of violations, especially those based on gender and those targeting children, in addition to analysis of their causes and their consequences. Public hearings and other awareness programmes are then organized and the commission concludes with the publication of a final report outlining findings and containing recommendations. Developing a complete record of serious human rights violations is an important step in the realization of the right to truth.

95. The Independent Expert recalls the central role of victims in transitional justice programmes. She also recalls the importance of ensuring respect for the rights and opinions of the victims and setting up appropriate procedures that ensure their safety and dignity, as well as developing specific capacities to help, support and protect victims and witnesses.

C. Prisons

96. The conditions of detention in prisons in the country generally do not meet international standards and are often inhumane. Basic necessities such as food, clothing and medicine are insufficient and inadequate and are often confiscated by the prison authorities.

97. There is no centralized file on the total number of prisoners in the country, though efforts are being made to remedy this, particularly in Bangui. There, men and women are held in separate facilities. Elsewhere they are detained in the same

building, sometimes in different cells. At times, juvenile prisoners are kept with adults, while persons in pretrial detention are held with convicted prisoners.

98. Prisoners do not have reasonable access to visitors. Despite having the right to submit complaints in the event of ill-treatment, victims would be hesitant to do so because the complaint submission mechanism does not function as it should and no remedial measures are available.

99. In June 2015, the Independent Expert visited Ngaragba central prison in Bangui, where two-thirds of the 636 detainees were in pretrial detention. At least 10 of them were minors, and several inmates had been seriously injured, apparently before their detention. The majority of persons accused of serious crimes are held in this prison. Although efforts have been made, security, overcrowding, health and nutrition remain major challenges. The Independent Expert was able to meet at least eight sick prisoners who did not have access to proper health care. She also went to the Bimbo prison for women, which housed 17 inmates. The duration of pretrial detention can be anything from 6 weeks to a year.

100. MINUSCA and United Nations specialized agencies and their partners have implemented projects to rehabilitate the central prison and are working with the authorities on a national strategy for reopening judicial and penal institutions and deploying magistrates and prison personnel to locations outside Bangui where security conditions have improved. MINUSCA has deployed 20 corrections officers to support the reform of the national prison system and offers regular training.

101. The Independent Expert was also informed that several assessment missions have been organized with the Department of Prison Administration regarding the situations in the prisons of Bouar, Bossangoa, Bossembélé, Bria and Berbérati, with a view to funding and supporting their rehabilitation.

102. Prison security remains problematic. The Independent Expert was informed of the escape of Eugène Ngaïkosset, known as "The Butcher of Paoua" because of the atrocities he is alleged to have committed in the north-west of the country. The former soldier managed to escape on the night of 17 May 2015 from the investigation unit in Bangui. He had been arrested a few days earlier and transferred from Brazzaville to Bangui prison. His escape gives rise to numerous questions.

V. Conclusions and recommendations

A. Conclusions

103. **The Central African Republic has a unique opportunity to move decisively toward peace, national reconciliation and justice. Although one major political and military faction refused to participate in the Bangui Forum, in recent months the country has shown its determination, which has materialized in the form of a reasonable, far-reaching and consensual agreement. Effective follow-up and implementation of the recommendations of the Bangui Forum will be essential for the authorities to demonstrate to the population and the international community that they are truly committed to peace and reconciliation.**

104. **The coming months will be crucial. The authorities have announced an ambitious electoral calendar, with registration for the electoral roll in July, a referendum on a new Constitution in early October and legislative and presidential elections set for mid-October. However, many challenges remain. The ineligibility clauses of members of the transitional Government must be respected in accordance with the peace agreements. It will also be necessary to find solutions to enable displaced persons — both within and outside the country's**

borders — to be registered for, and participate in, the elections. Measures must be taken to allow those persons to exercise their political rights and participate in the referendum on the Constitution as well as the presidential and legislative elections.

105. The fight against impunity must also be effective, and it would be deplorable if individuals responsible for serious violations of international humanitarian law and human rights were to be reinstated in politics with impunity, as has happened in the past. The Independent Expert notes that the first criminal hearings since 2010 began in Bangui on 29 June 2015. That is a positive sign of the commitment of the State to re-establish the rule of law.

106. After the election set for October and a return to constitutional order, it will be necessary to remain steadfast in pursuing efforts toward reconciliation. This must be done through the promotion and protection of the rights of persons belonging to minority groups. The protection of minorities has often been demonstrated to be an effective way of preventing and resolving conflicts and building societies that are stable and open to all persons in post-conflict situations. The Interfaith Platform and other national and international initiatives have played an important role in reconciliation and the protection of minorities.

107. Finally, the Independent Expert recalls that the participation of women in the decision-making process, in particular as candidates and voters, is essential, as are efforts to help uneducated and jobless young people win back their place in society and envisage a future without violence.

B. Recommendations

108. The Independent Expert reiterates the recommendations contained in her previous report (A/HRC/26/53) and calls on the Government, with the support of the international community, to:

(a) Bring to justice all perpetrators of violations of international humanitarian law and human rights, irrespective of their status or political affiliation. She recalls in this regard that some of these acts may constitute crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party;

(b) Take measures to prevent gender-based violence and especially sexual violence on the part of all belligerents, and ensure the protection of civilians, especially women;

(c) Formulate a national strategy for combating impunity, so as to ensure that perpetrators of serious human rights violations, including sexual violence, are brought to justice; investigate all cases of violence against women and prosecute and punish the perpetrators, restore and strengthen the judicial system, improve judicial and prison infrastructure and ensure the security of all courts and places of detention; proceed with the rapid redeployment of all judges to their duty stations;

(d) Make every effort to ensure that the Special Criminal Court is established without delay so that investigations may begin; ensure the selection and appointment of judges and judicial personnel of the highest calibre who are familiar with the legal culture of the country, and ensure that the judicial process conforms to international fair trial standards;

(e) Make every effort to protect against any act of reprisal women and girls who are victims of sexual violence, particularly those who turn to the justice system, and raise awareness among the population to prevent those women and girls being ostracized by their families and communities;

(f) Establish transitional justice mechanisms offering guarantees concerning the need for justice, truth, the right to reparation and the non-repetition of violations, including by involving traditional institutions whenever possible. Special attention should also be paid to economic crimes committed in the context of armed conflict;

(g) Prosecute and punish all those responsible for violations against persons accused of witchcraft, and begin a national debate on the issue, including in respect of existing legislation, to find real solutions that respect universal human rights standards;

(h) Ensure that internally displaced persons and refugees have the right to return to their places of residence and to enjoy other benefits as nationals of the Central African Republic;

(i) Take measures to guarantee the safe return of internally displaced persons and refugees, including by securing their places of origin and their property;

(j) Encourage the participation of women at all stages of the peace process as part of national reconciliation, in all initiatives aimed at reconstruction and in the transitional justice process, and especially at the decision-making level;

(k) Arrange activities to raise awareness of the importance, for the whole of society, of the participation of women in the decision-making process, especially as candidates and voters;

(l) Encourage measures promoting social cohesion, in particular by taking steps to encourage and facilitate the participation of refugees and displaced persons in the electoral process and the constitutional referendum;

(m) Continue efforts aimed at deploying, with the assistance of MINUSCA, local administrators and the police and gendarmerie forces throughout the territory;

(n) Establish procedures to ensure the representation of minorities in public institutions such as the parliament and in public service, including the army, the police and the judiciary;

(o) Take all measures necessary to allow Muslim students to return safely to schools and universities, and adults to return to work;

(p) Provide specific protection for women and children affected by armed conflict, including through the deployment of child protection advisers and women protection advisers;

(q) Put in place a programme of disarmament, demobilization and reintegration adapted to children; consider professional apprenticeships for the reintegration of juvenile offenders who have been given light sentences and/or who have served their sentences;

(r) Combat trauma and post-traumatic stress disorder in children by establishing after-school support groups, training specialized school counsellors, improving school security and ensuring that schools are not used by any armed forces; and establish programmes to raise parents' awareness of the issue of sexual violence against children;

(s) Finalize without delay the bill establishing a national human rights commission in accordance with the Paris Principles, and ensure that its mandate covers equality and non-discrimination based on sex/gender and other interrelated factors;

(t) Abolish the death penalty, in accordance with the recommendations of the African Commission on Human and Peoples' Rights and the draft additional protocol to the African Charter of Human and Peoples' Rights on the abolition of the death penalty in Africa;

(u) In humanitarian assistance programmes and programming decisions, take full account of the needs of people living with disabilities;

(v) Establish a system to guarantee a minimum representation of women among members of parliament and offer incentives to political parties to put forward women candidates.

109. Following the commitment by the armed militias to release all children associated with the conflict, the Independent Expert requests the authorities, with the assistance of MINUSCA, to:

(a) Ensure that no child acts on behalf of a militia. Children released or separated from armed groups are victims and should receive special protection;

(b) Continue efforts towards reopening schools and rehabilitating hospitals and health centres; protect those institutions and put an end to their use for military purposes.

110. The Independent Expert recommends that the international community:

(a) Mobilize further to provide more assistance to the Central African Republic so that it may make the transition to peace, national reconciliation and combating impunity;

(b) Commit itself to funding the Special Criminal Court and supporting the criminal justice system in order to restore the chain of criminal prosecution;

(c) Continue funding humanitarian assistance programmes and the Central African Republic Regional Refugee Response Plan, which are considerably underfunded.

111. She appeals to the international community for urgent financing of the disarmament, demobilization and reintegration programme, with special attention to be paid to the needs of children associated with armed forces and groups.

112. The Independent Expert calls on the international community to provide technical assistance to the Government for the purposes of sound management of revenues from mineral resources.

113. Finally, she calls on the United Nations and the troop-contributing countries to shed full light on the allegations of sexual abuse committed in the Central African Republic, to bring those responsible to justice and to provide reparations to the victims. She urges all relevant authorities to take measures to strengthen prevention of such abuses, including by deploying personnel who are trained, qualified, equipped and commanded in such a way as to be able to fulfil their responsibilities to protect civilians.